

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region
Sturtevant Service Center
9531 Rayne Road
Sturtevant, Wisconsin 53177
TELEPHONE 414-884-2300
FAX 414-884-2306

November 24, 1999

In Reply Refer To: FID# ²⁴¹~~224~~649870
BRRTS# 03-41-123738
County of Milwaukee
BRR-LUST

Mr. Gregg Apostoloff
Archdiocese of Milwaukee
7301 W. Nash Street
Milwaukee, WI 53216

SUBJECT: Closure Request for *Holy Cross Cemetery, 7301 W. Nash Street, Milwaukee, WI*

Dear Mr. Apostoloff

The Wisconsin Department of Natural Resources (WDNR) has reviewed the report entitled *Closure Request for the Holy Cross Cemetery property*, dated August 27, 1999, that was prepared by your consultant, Advent Environmental. The report contained a request that the WDNR grant "No Further Action" status for the site. Based upon the information in the case file and in the above referenced report, it appears that the degree and extent of contamination has been determined in the soil and groundwater at the site.

Due to the presence of benzene and methyl tert-butyl ether (MTBE) in the groundwater, at a concentration above the NR 140 Enforcement Standard (ES), a requirement of case closure is that a "groundwater use restriction" be placed on the deed of the property, according to s. NR 726.05(8)(am). You may wish to submit a draft copy of the proposed deed restriction prior to placement on the deed of the property so that the WDNR can verify that the restriction is acceptable. The language in the deed restriction should follow the template contained in the guidance document entitled "Close Out Guidance on the Use of Deed and Groundwater Use Restrictions and Deed Notices". If you need a copy of this document, please contact me. In addition to the language, please attach a map that identifies the location of the remaining groundwater contamination to the deed restriction.

After the WDNR receives an official copy of an acceptable deed restriction from the Register of Deeds office and copies of the well abandonment forms for all on-site monitoring wells, the site will be tracked as closed on the WDNR's computer database.

The WDNR appreciates the actions you have taken to restore the environment at this site. If you have any questions regarding this letter you may contact me at (414) 263-8541. Please refer to the FID and BRRTS numbers on the top of this letter in any future correspondence.

Sincerely,

Andrew Boettcher
Hydrogeologist

cc: Advent Environmental
SER Case File



000079565

7883042

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: LANDS IN SW-SE & NW ¼, SECTIONS 10-7-21 LANDS AND PART VACATED ENGLEWOOD SUBDIVISION BETWEEN WEST APPLETON AVENUE, WEST BURLEIGH STREET, WEST LISBON AVENUE, NORTH 76TH STREET, AND WEST NASH STREET, EXCEPT ROYAL PARK VIEW AND 45' PARCEL ADJACENT BLOCK 6 ON SOUTH, IN THE CITY OF MILWAUKEE, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

a/k/a 7301 West Nash Street, Milwaukee, Wisconsin

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

REGISTER'S OFFICE I SS
Milwaukee County, WI

RECORDED AT 9:18 AM

03-09-2000

REEL _____ IMAGE _____

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 14.00

Recording Area

Return to:
Jeff Tracy
Advent Environmental Services
PO Box 277
Mequon, WI 53092-0277

291-9999-100-9

Tax Key No.

WHEREAS, Archdiocese of Milwaukee Catholic Cemeteries is the owner of the above-described property.

WHEREAS, one or more gasoline or diesel fuel discharges have occurred on this property. Contaminated groundwater above ch. NR 140, Wis. Adm. Code enforcement standards existed on this property at the following locations on May 14, 1999: 8.8 parts per billion (ppb) benzene at CS-1, and 82 ppb methyl-tert-butyl-ether at MW-5. In addition, benzene-contaminated soil existed on the property at the following locations on July 20, 1998: HCR-1 (61 ppb), HCR-2 (260 ppb), and HCR-3 (97 ppb). The monitoring well and soil sample locations are illustrated on the attached figure.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater remediation activities at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied, and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met. The following numbers are the Wisconsin Department of Natural Resources case numbers associated with this site: BRRTS No. 03-41-123738, FID No. 241649870.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase, or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources or its successor shall determine whether or not the restrictions contained herein can be extinguished. If the Department or its successor determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

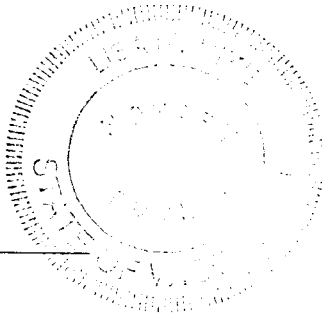
By signing this document, Gregg Apostoloff asserts that he is duly authorized to sign this document on behalf of the Archdiocese of Milwaukee Catholic Cemeteries.

IN WITNESS WHEREOF, the owners of the property have executed this Declaration of Restrictions, this _____ day of _____, 2000.

Signature: Gregg F. Apostoloff
 Printed Name: Gregg Apostoloff

Subscribed and sworn to before me
 this 23 day of February, 2000.

[Signature]
 Notary Public, State of Wisconsin
 My commission expires 9/21/2003



This document was drafted by the Wisconsin Department of Natural Resources.

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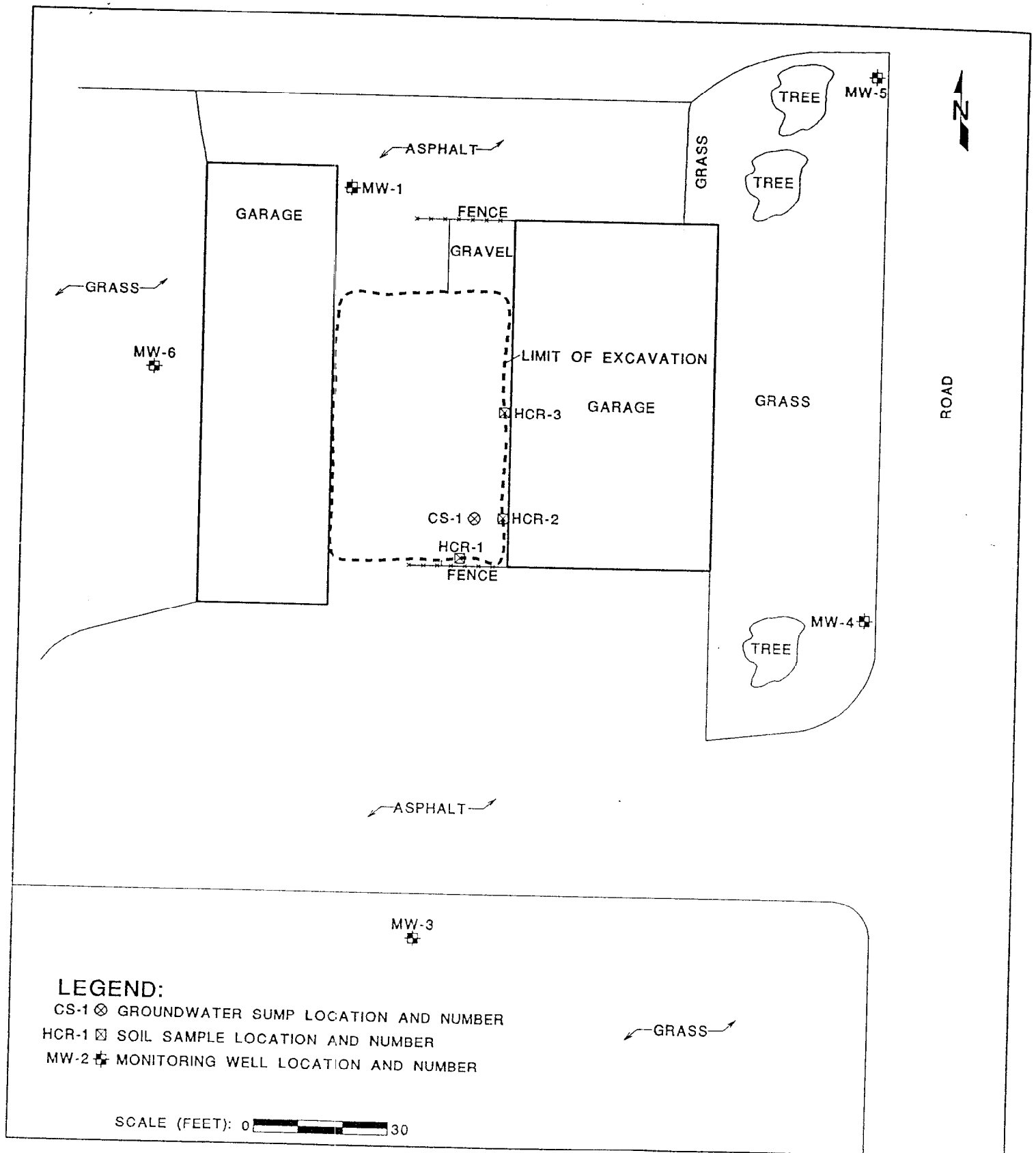
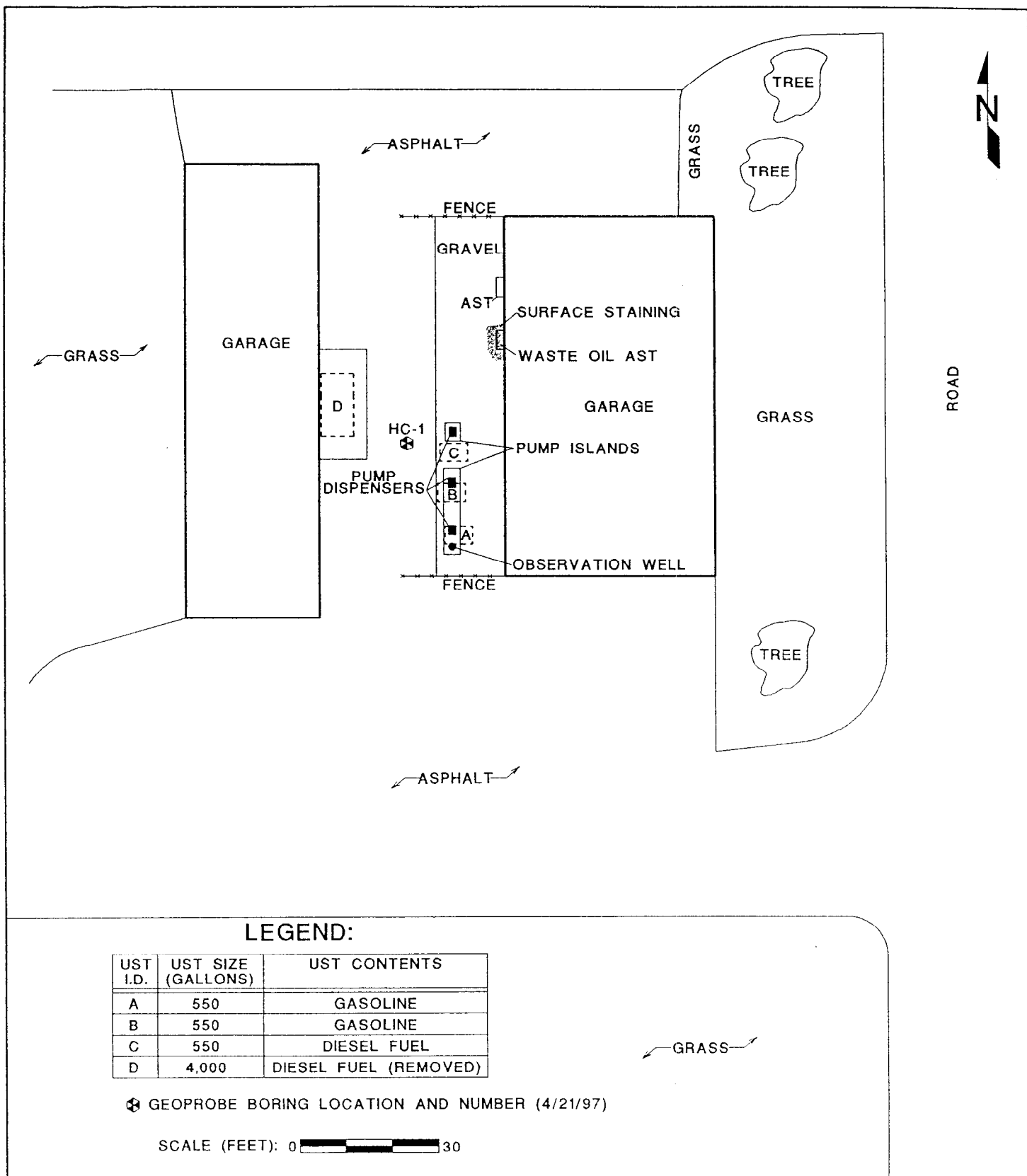


FIGURE 1 MONITORING WELL AND
SOIL SAMPLE LOCATIONS
HOLY CROSS CEMETERY
MILWAUKEE, WISCONSIN

A D V E N T

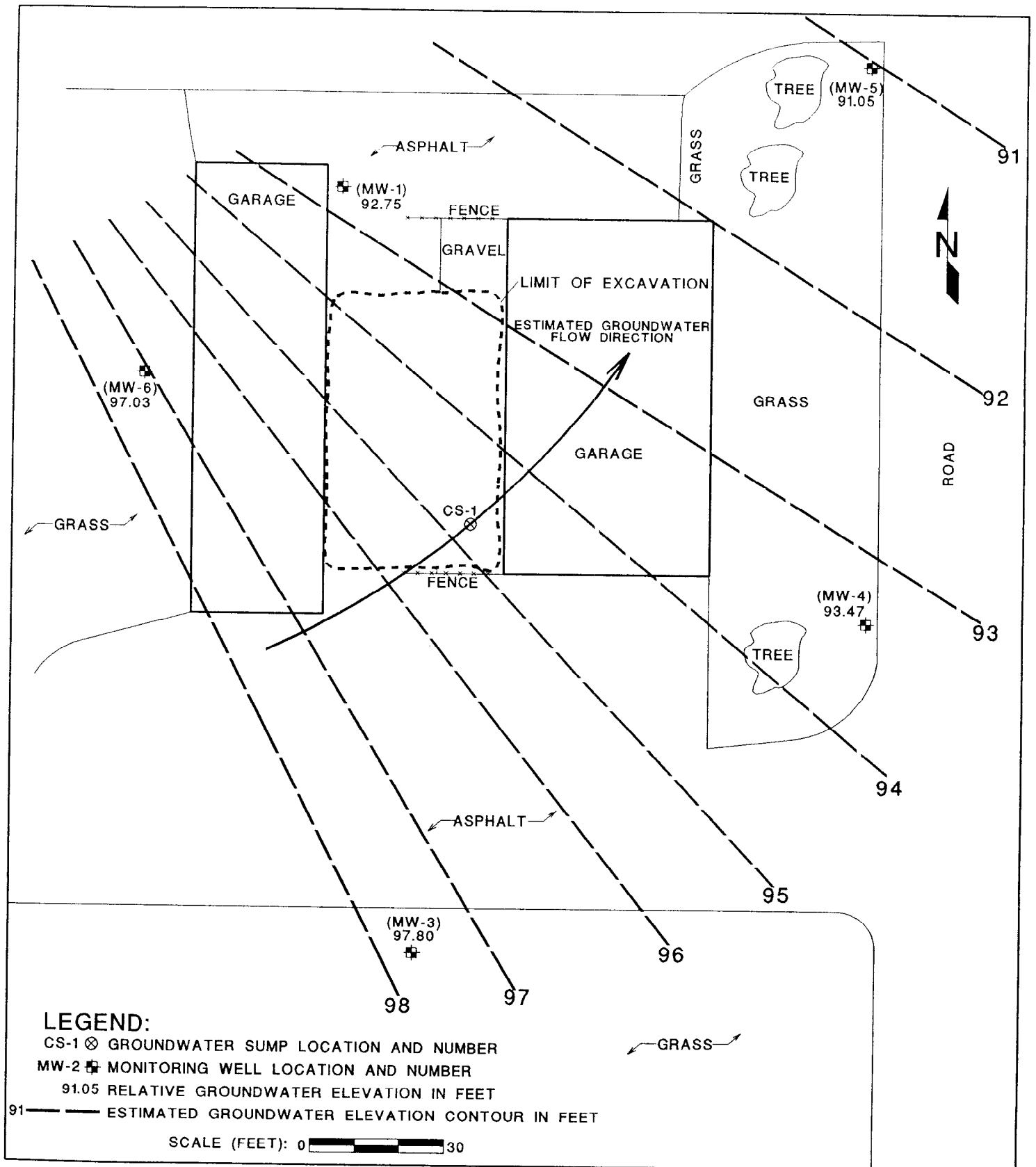
ENVIRONMENTAL SERVICES, INC.
DATE: 1/31/00
DRAWING #970087.02J



**FIGURE 1 SITE FEATURES
HOLY CROSS CEMETERY
MILWAUKEE, WISCONSIN**

A D V E N T

ENVIRONMENTAL SERVICES, INC.
DATE: 10/17/97
DRAWING #970087.01B



**FIGURE 9 GROUNDWATER ELEVATIONS (8/11/98)
HOLY CROSS CEMETERY
MILWAUKEE, WISCONSIN**

A D V E N T

ENVIRONMENTAL SERVICES, INC.
DATE: 8/23/99
DRAWING #970087.02F

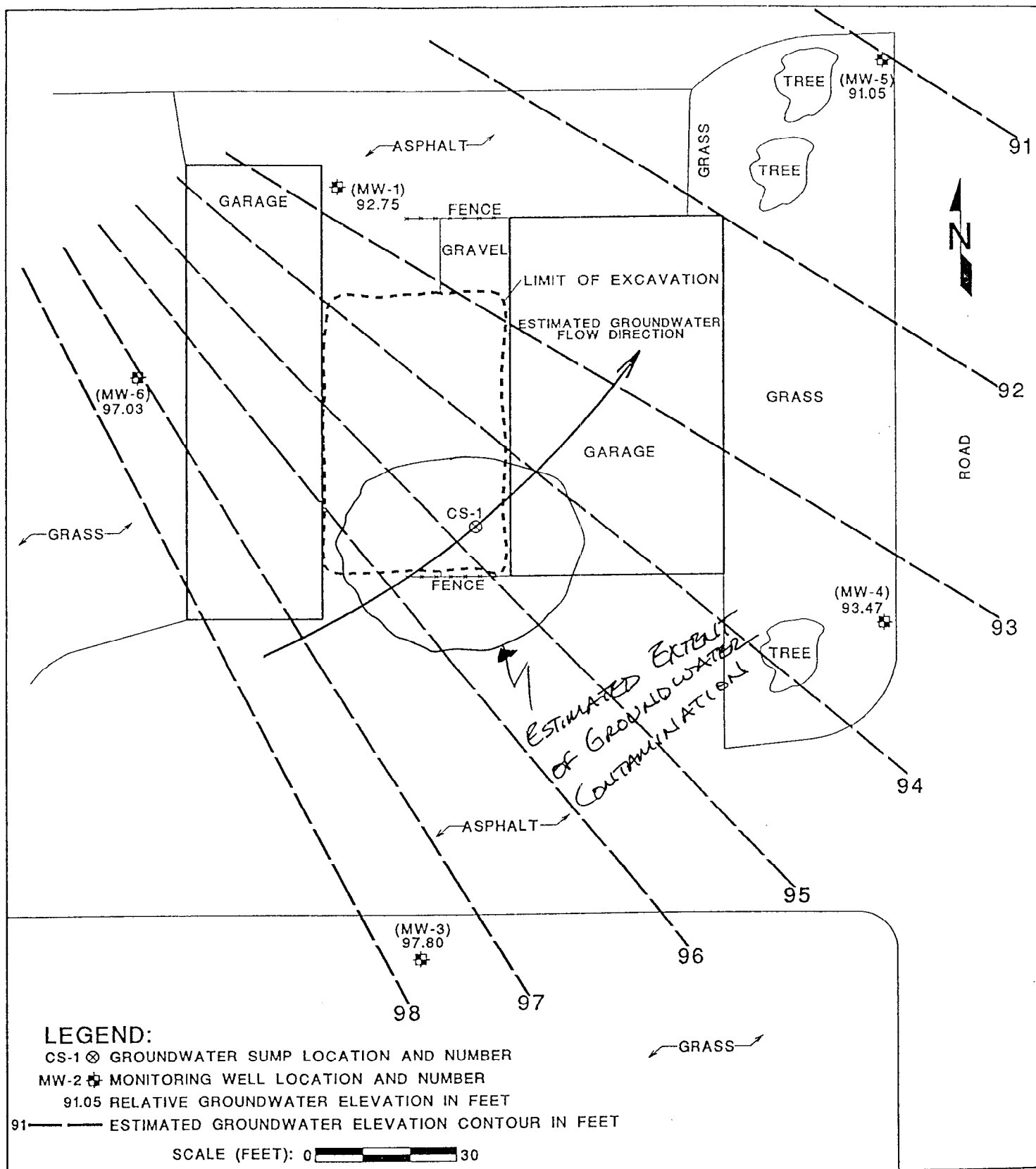
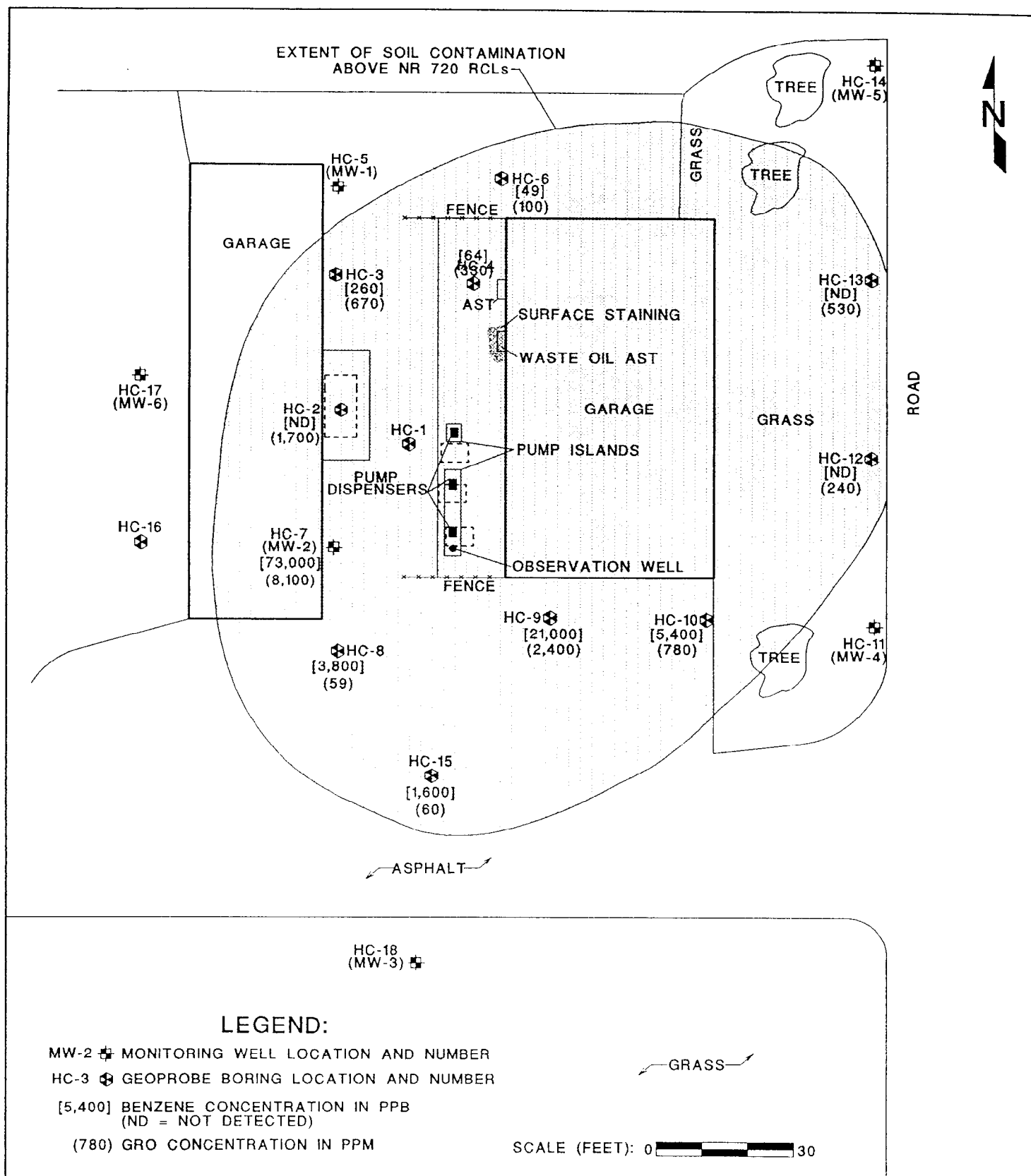


FIGURE 6 GROUNDWATER ELEVATIONS (8/11/98)
 HOLY CROSS CEMETERY
 MILWAUKEE, WISCONSIN

A D V E N T
 ENVIRONMENTAL SERVICES, INC.
 DATE: 9/15/98
 DRAWING #970087.02F



**FIGURE 2 EXTENT OF SOIL CONTAMINATION
ABOVE GENERIC RCLs
HOLY CROSS CEMETERY
MILWAUKEE, WISCONSIN**

A D V E N T

ENVIRONMENTAL SERVICES, INC.
DATE: 10/21/97
DRAWING #970087.01E

TABLE 6 (page 1 of 3)
ANALYTICAL RESULTS - GROUNDWATER
HOLY CROSS CEMETERY

	MW-1						MW-2/CS-1								NR 140 Groundwater Quality Standards	
	Pre-remediation		Post-remediation				Pre-remediation		Post-remediation							
Date	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	5/14/1999*			
Dissolved Oxygen (ppm)	3.10	2.60	3.05	2.54	3.00	1.31	0.35	0.40	0.45	0.40	0.50	0.09	---			
GW elevation	94.96	94.96	92.25	93.97	94.51	---	87.97	94.54	---	---	---	---	---			
ANALYTE															ES	PAL
GROs (ppb)	ND	ND	ND	ND	ND	ND	4,200	15,000	1,800	770	430	120	110	---	---	
DROs (ppm)	0.19	NA	ND	NA	NA	NA	1.2	NA	0.42	NA	NA	NA	NA	---	---	
Iron (ppm)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA	NA	---	---	
Manganese (ppm)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA	NA	---	---	
Nitrate (ppm)	0.23	NA	NA	NA	NA	NA	0.090	NA	NA	NA	NA	NA	NA	10	2	
Sulfate (ppm)	42	NA	NA	NA	NA	NA	10	NA	NA	NA	NA	NA	NA	---	---	
Lead (ppb)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA	NA	15	0.5	
VOCs (ppb) ¹																
Benzene	ND	ND	ND	ND	ND	ND	2,000	11,000	150	380	140	8.8	8.6	5	0.5	
Ethylbenzene	ND	ND	ND	ND	ND	ND	120	860	ND	10	1.1	2.0	1.9	700	140	
MTBE	ND	ND	ND	ND	ND	ND	ND	ND	15	4.4	7.0	1.0	0.98	60	12	
Toluene	ND	ND	ND	ND	ND	ND	220	340	18	2.3	1.9	ND	ND	343	68.6	
Trimethylbenzenes	ND	ND	ND	ND	ND	ND	ND	580	93	12.6	2.8	1.1	1.1	480	96	
Xylene (total)	ND	ND	ND	ND	ND	ND	270	2,400	110	6.3	0.97	0.68	0.78	620	124	
PAHs (ppb) ¹																
Benzo (a) anthracene	0.033	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	NA	---	---	
Benzo (a) pyrene	0.12	0.043	NA	NA	NA	NA	0.014	ND	NA	NA	NA	NA	NA	0.2	0.02	
Benzo (b) fluoranthene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	NA	0.2	0.02	
Benzo (ghi) perylene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	NA	---	---	
Benzo (k) fluoranthene	0.018	ND	NA	NA	NA	NA	0.016	ND	NA	NA	NA	NA	NA	---	---	
Chrysene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	NA	0.2	0.02	
2-methyl Naphthalene	ND	ND	NA	NA	NA	NA	ND	32	NA	NA	NA	NA	NA	---	---	
Naphthalene	ND	ND	NA	NA	NA	NA	ND	230	NA	NA	NA	NA	NA	40	8	
Dibenzo (a,h) anthracen	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	NA	---	---	

Concentrations in bold are above the PAL.

Concentrations in shaded boxes are above the ES.

Concentrations for the NR 140 PAL and ES standards are presented in ug/l (ppb).

DCA = dichloroethane

MTBE = Methyl-tert-butyl-ether

PAL = Preventive Action Limit

ES = Enforcement Standard

ND = not detected

¹ Only VOCs/PAHs detected are listed.

*Duplicate sample

TABLE 6 (page 2 of 3)
ANALYTICAL RESULTS - GROUNDWATER
HOLY CROSS CEMETERY

	MW-3						MW-4						NR 140 Groundwater Quality Standards	
	Pre-remediation		Post-remediation				Pre-remediation		Post-remediation					
Date	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	ES	PAL
Dissolved Oxygen (ppm)	1.50	1.35	2.30	1.00	1.58	0.19	2.50	1.76	1.55	3.38	3.45	7.80		
GW elevation	96.26	92.86	97.80	95.92	98.07	---	99.49	88.28	93.47	92.83	94.81	---		
ANALYTE														
GROs (ppb)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	---	---
DROs (ppm)	0.17	NA	ND	NA	NA	NA	0.13	NA	ND	NA	NA	NA	---	---
Iron (ppm)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA	---	---
Manganese (ppm)	0.18	NA	NA	NA	NA	NA	0.079	NA	NA	NA	NA	NA	---	---
Nitrate (ppm)	0.20	NA	NA	NA	NA	NA	0.25	NA	NA	NA	NA	NA	10	2
Sulfate (ppm)	310	NA	NA	NA	NA	NA	80	NA	NA	NA	NA	NA	---	---
Lead (ppb)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA	15	0.5
VOCs (ppb) ¹														
Benzene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	5	0.5
Ethylbenzene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	700	140
MTBE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	53	ND	60	12
Toluene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	343	68.6
Trimethylbenzenes	ND	ND	10	ND	16	ND	ND	ND	33	ND	18	ND	480	96
Xylene (total)	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.56	ND	ND	620	124
PAHs (ppb) ¹														
Benzo (a) anthracene	0.050	ND	NA	NA	NA	NA	0.049	ND	NA	NA	NA	NA	---	---
Benzo (a) pyrene	0.055	ND	NA	NA	NA	NA	0.052	ND	NA	NA	NA	NA	0.2	0.02
Benzo (b) fluoranthene	0.041	ND	NA	NA	NA	NA	0.065	ND	NA	NA	NA	NA	0.2	0.02
Benzo (ghi) perylene	0.15	ND	NA	NA	NA	NA	0.13	ND	NA	NA	NA	NA	---	---
Benzo (k) fluoranthene	0.035	ND	NA	NA	NA	NA	0.032	ND	NA	NA	NA	NA	---	---
Chrysene	0.063	ND	NA	NA	NA	NA	0.064	ND	NA	NA	NA	NA	0.2	0.02
2-methyl Napthalene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	---	---
Naphthalene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA	40	8
Dibenzo (a,h) anthracene	0.042	ND	NA	NA	NA	NA	0.026	ND	NA	NA	NA	NA	---	---

Concentrations in bold are above the PAL.

Concentrations in shaded boxes are above the ES.

Concentrations for the NR 140 PAL and ES standards are presented in ug/l (ppb).

DCA = dichloroethane

MTBE = Methyl-tert-butyl-ether

PAL = Preventive Action Limit

ES = Enforcement Standard

ND = not detected

¹ Only VOCs/PAHs detected are listed.

TABLE 6 (page 3 of 3)
ANALYTICAL RESULTS - GROUNDWATER
HOLY CROSS CEMETERY

HOLY CROSS CEMETERY														
	MW-5						MW-6						NR 140 Groundwater Quality Standards	
	Pre-remediation		Post-remediation				Pre-remediation		Post-remediation					
Date	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	7/31/97	12/3/97	8/11/98	11/16/98	2/18/99	5/14/99	ES	PAL
Dissolved Oxygen (ppm)	1.00	1.20	1.00	0.45	1.15	0.19	0.65	0.48	1.88	2.54	1.30	0.78		
GW elevation	98.23	89.12	91.05	89.93	90.95	---	100.98	93.91	97.03	96.10	96.10	---		
ANALYTE														
GROs (ppb)	75	ND	ND	ND	ND	56	89	ND	ND	ND	430	ND		
DROs (ppm)	0.35	NA	0.51	NA	NA	NA	0.33	NA	ND	NA	NA	NA		
Iron (ppm)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA		
Manganese (ppm)	0.061	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA		
Nitrate (ppm)	0.28	NA	NA	NA	NA	NA	0.54	NA	NA	NA	NA	NA		
Sulfate (ppm)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA		
Lead (ppb)	ND	NA	NA	NA	NA	NA	ND	NA	NA	NA	NA	NA		
VOCs (ppb) ¹														
Benzene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		
Ethylbenzene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		
MTBE	ND	4.8	39	13	ND	82	ND	ND	ND	ND	ND	ND		
Toluene	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		
Trimethylbenzenes	ND	ND	2.8	ND	1.6	ND	ND	ND	ND	ND	ND	ND		
Xylene (total)	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND		
PAHs (ppb) ¹														
Benzo (a) anthracene	0.050	ND	NA	NA	NA	NA	0.023	ND	NA	NA	NA	NA		
Benzo (a) pyrene	0.053	ND	NA	NA	NA	NA	0.015	ND	NA	NA	NA	NA		
Benzo (b) fluoranthene	0.057	ND	NA	NA	NA	NA	0.022	ND	NA	NA	NA	NA		
Benzo (ghi) perylene	0.11	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA		
Benzo (k) fluoranthene	ND	ND	NA	NA	NA	NA	0.022	ND	NA	NA	NA	NA		
Chrysene	0.052	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA		
2-methyl Napthalene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA		
Naphthalene	ND	ND	NA	NA	NA	NA	ND	ND	NA	NA	NA	NA		
Dibenzo (a,h) anthracen	0.065	ND	NA	NA	NA	NA	0.0023	ND	NA	NA	NA	NA		

Concentrations in bold are above the PAL.

Concentrations in shaded boxes are above the ES.

Concentrations for the NR 140 PAL and ES standards are presented in ug/l (ppb).

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